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Attorneys for Defendants ALARM.COM
 INCORPORATED and ALARM.COM
 HOLDINGS, INC.

**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND DIVISION**

ABANTE ROOTER AND PLUMBING,
 INC., GEORGE ROSS MANESIOTIS,
 MARK HANKINS, and PHILIP J.
 CHARVAT, individually and on behalf of all
 others similarly situated,

Plaintiffs,

v.

ALARM.COM INCORPORATED and
 ALARM.COM HOLDINGS, INC.,

Defendants.

Case No.: 4:15-CV-06314-YGR

**DECLARATION OF MARTIN W.
 JASZCZUK IN SUPPORT OF
 DEFENDANTS' MOTION FOR
 SUMMARY JUDGMENT**

Judge: Hon. Yvonne Gonzalez Rogers
 Hearing Date: July 24, 2018
 Time: 2:00 pm
 Courtroom: Courtroom 1, 4th Floor

4:15-CV-06314-YGR

1 I, Martin W. Jaszczuk, declare:

2 1. I am a partner at the law firm of Jaszczuk P.C., attorneys of record for Defendants
3 Alarm.com Incorporated and Alarm.com Holdings, Inc. (collectively, "Alarm.com"). I am a
4 member in good standing of the bar of Illinois. This Court granted my application to appear *pro*
5 *hac vice* in this action on November 23, 2016. See 11/23/16 Order, ECF No. 69.

6 2. I submit this declaration in support of Alarm.com's Motion for Summary
7 Judgment. I have personal knowledge of the statements made in this declaration and am
8 competent to testify thereto.

9 3. Attached hereto as Exhibit 1 is a true and correct copy of the Dealer Agreement
10 executed by Alarm.com Incorporated and Versatile Marketing Solutions, Inc. on June 25, 2008.

11 4. Attached hereto as Exhibit 2 is a true and correct copy of the Alarm.com Terms of
12 Service.

13 5. Attached hereto as Exhibit 3 is a true and correct copy of the declaration of Anne
14 Ferguson, dated March 28, 2017, previously submitted as ECF No. 95 in this matter.

15 6. Attached hereto as Exhibit 4 is a true and correct copy of the declaration of Matthew
16 Pitts, dated March 24, 2017, previously submitted as ECF No. 94 in this matter.

17 7. Attached hereto as Exhibit 5 is a true and correct copy of excerpts of the deposition
18 of Matthew Pitts, taken in this matter on December 8, 2017.

19 8. Attached hereto as Exhibit 6 is a true and correct copy of the declaration of Matthew
20 Pitts, dated November 17, 2017.

21 9. Attached hereto as Exhibit 7 is a true and correct copy of excerpts of the deposition
22 of Jasit Gotra, taken in this matter on December 7, 2017.

23 10. Attached hereto as Exhibit 8 is a true and correct copy of excerpts of the deposition
24 of Joseph Moretti, taken in this matter on December 7, 2017.

25 11. Attached hereto as Exhibit 9 is a true and correct copy of excerpts of the deposition
26 of Stephen Scott Trundle, taken in this matter on February 15, 2017.

1 12. Attached hereto as Exhibit 10 is a true and correct copy of excerpts of the deposition
2 of Anne Ferguson, taken in this matter on October 27, 2016.

3 13. Attached hereto as Exhibit 11 is a true and correct copy of exhibit 17 to the
4 deposition of Donald “Nate” Natale, taken in this matter on October 27, 2016.

5 14. Attached hereto as Exhibit 12 is a true and correct copy of email correspondence
6 between Nate Natale and Steve Trundle, dated May 1, 2012, and containing the subject line
7 “VMS/Today Show.”

8 15. Attached hereto as Exhibit 13 is a true and correct copy of Versatile Marketing
9 Solutions, Inc.’s Response to the Federal Trade Commission’s Civil Investigative Demand, dated
10 June 4, 2012.

11 16. Attached hereto as Exhibit 14 is a true and correct copy of excerpts of the deposition
12 of Philip J. Charvat, taken in this matter on March 14, 2017.

13 17. Attached hereto as Exhibit 15 is a true and correct copy of excerpts of the deposition
14 of Fred Heidarpour, taken in this matter on March 10, 2017.

15 18. Attached hereto as Exhibit 16 is a true and correct copy of transcripts of
16 telemarketing calls allegedly placed by Alliance Security, Inc. to Philip J. Charvat in September
17 2015.

18 19. Attached hereto as Exhibit 17 is a true and correct copy of excerpts of the deposition
19 of Noah Billger, taken in this matter on October 28, 2016.

20 20. Attached hereto as Exhibit 18 is a true and correct copy of the Vendor Agreement
21 executed by Precise Enterprises, LLC and Royal Administration Services, Inc. on October 14,
22 2011.

23 21. Attached hereto as Exhibit 19 is a true and correct copy of an email sent by Jason
24 DaCosta to Andrew Heidarpour, dated August 19, 2015, and containing the subject line “Pre-Suit
25 Notification of Federal Telemarketing Law Violation.”
26
27
28

23. Attached hereto as Exhibit 21 is a true and correct copy of excerpts of the deposition of Randall A. Snyder, taken in this matter on March 2, 2018.

Martin W. Jaszczuk

CERTIFICATE OF SERVICE

I, Martin W. Jaszczuk, hereby certify that on May 1, 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all parties registered to receive electronic service in the above-captioned matter.

Dated: May 1, 2018

Respectfully submitted,

/s/ Martin W. Jaszczuk

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